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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/722,045

11/25/2003

Jan Cornelius De Jong

7682-108-999

8309

20583

7590

08/20/2008

JONES DAY
222 EAST 41ST ST
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EXAMINER

HILL, MYRON G

ART UNIT

PAPER NUMBER

1648

MAIL DATE

DELIVERY MODE

08/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

This action is in response to the papers filed 4/29/08.

Applicant's arguments are persuasive and have overcome the previously stated rejections/objections.

Election/Restrictions

Newly submitted claims 63-68 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: They are drawn to methods that use different sequences than the elected invention or methods that use proteins or primers which are different starting material than the elected.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 63-68 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Ex parte Quayle

This application is in condition for allowance except for the following formal matters:

Claim Objections

Claims 59-61 are objected to because of the following informalities: the claim should refer to the sequence by SEQ ID# and not reference to a figure. Appropriate correction is required.

Applicant is required to cancel the non-elected subject matter (protein/nucleic acid/SEQ ID#s) as indicated in the restriction requirement (see papers mailed 10/5/06 and 8/22/07). The election was made with traverse in the response 12/5/06 and the restriction was made final in the office action mailed 12/31/07. Applicant made no additional arguments or petition regarding this matter.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MYRON G. HILL whose telephone number is (571)272-0901. The examiner can normally be reached on 5:30 am-2 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1648

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. G. H./

Examiner, Art Unit 1648

/A R Salimi/

Primary Examiner, Art Unit 1648